

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

E. Dennis Geary, Trustee of the Geary Family  
Trust Under Declaration of Trust Dated  
October 9, 1990,

Complainant,

vs.

North County Transit District and Versaform  
Corporation,

Defendants.

Case 04-06-032  
(Filed June 14, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING  
ON RESULTS OF PREHEARING CONFERENCE  
AND SCOPE OF PROCEEDING**

A prehearing conference (PHC) was held in the above matter on September 8, 2004, in San Diego. This complaint is in response to defendant North County Transit District's (NCTD) plan to close a private at-grade railroad crossing in the City of Oceanside that provides the only vehicular access to commercial property owned by the complainant. As identified in a previous ruling, the PHC was held to discuss the following issues:

**Status of Parties**

Prior to the PHC, Versaform Corporation (Versaform), one of the two named defendants, advised by letter dated August 4, 2004 that it is not adverse to the relief requested and did not intend to actively participate or file any responsive pleadings in this proceeding. Versaform requested to be notified of

any amendments to the pleadings or relief request. The complainant and defendant NCTD were advised of the letter at the PHC. Both are aware of Versaform's position and agreed to continue the proceeding without Versaform as an active participant. Versaform will not be required to make an appearance, but will remain on the service list as an interested party.

**Identify issues in dispute**

As discussed at the PHC, the issues in dispute are whether the existing crossing should be closed and, if so, should a new substitute crossing be constructed and how related costs would be apportioned.

**Can these issues be resolved through mediation**

At the PHC, the parties agreed to first mediate this matter before an evidentiary hearing is held. The parties are also discussing, outside the scope of this proceeding, the possible sale of the property to the defendant and requested that any mediation be delayed until January, 2005 to allow sufficient time for discussion and negotiation of the possible sale. The Administrative Law Judge Division will conduct a mediation session in this case in early January, 2005 and notify the parties of the date and mediation process by November 30, 2004.

**Is an Evidentiary Hearing necessary**

It is unlikely a hearing will be necessary if the subject property is sold to NCTD or if the issues can be successfully mediated. At the conclusion of the mediation, a second PHC will be held to determine if a hearing is necessary and if so, set a briefing schedule. Parties should address the legal authority for any actions related to the crossing closure through the hearing and briefing process. The timetable below includes a hearing date should one be necessary.



**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge’s Ruling on Results of Prehearing Conference and Scope of Proceeding on all parties of record in this proceeding or their attorneys of record.

Dated September 17, 2004, at San Francisco, California.

/s/ ERLINDA A. PULMANO  
Erlinda A. Pulmano

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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**SERVICE LIST**

**APPEARANCES:**

William B. Van Dusen, Esq.  
Smylie and Van Dusen  
550 West C Street, Suite 1600  
San Diego, CA 92101  
619-233-9199  
619-233-9045 fax  
(for complainant)

Richard A. Gant, Esq.  
1740 Alta Vista Way  
San Diego, CA 92109  
858-274-7443  
(for complainant)

Karen Landers, Esq.  
Bruce W. Beach, Esq.  
Best Best & Krieger LLP  
402 West Broadway, 13<sup>th</sup> Floor  
San Diego, CA 92101-3542  
619-525-1300  
619-233-6118 fax  
(for defendant North County Transit District)

**INTERESTED PARTIES:**

Steven A. McKinley, Esq.  
Asaro Keagy Freeland McKinley & Bartz, LLP  
3170 Fourth Ave  
San Diego, CA 92103  
619-297-3170  
619-299-4268 fax  
(for Versaform)

Peter Merz

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Colliers International  
5930 Priestly Drive  
Carlsbad, Ca 92008  
760-438-8950

**STATE SERVICE:**

Richard W. Clark  
Consumer Protection and Safety Division  
California Public Utilities Commission  
505 Van Ness Ave, 2<sup>nd</sup> Floor  
San Francisco, CA 94102  
415-703-2349

Kenneth L. Koss  
Administrative Law Judge Division  
California Public Utilities Commission  
505 Van Ness Ave, 5<sup>th</sup> Floor  
415-703-1463  
415-703-1723 fax

Maria Stevens  
Executive Division, Room 500  
California Public Utilities Commission  
Los Angeles, CA 90013  
213-576-7012

**(END OF SERVICE LIST)**